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Date: August 15, 2006 Name: John G. Rauch

Signature:

Our Case No. 8285/181

Client ref.A00445

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Teresa Farias Latter, et al. )  
Serial No. 09/122,484 ) Examiner: D. Nguyen  
Filing Date: July 24, 1998 ) Group Art Unit No. 2643  
For METHOD AND SYSTEM FOR )  
PROVIDING ENHANCED CALLER )  
IDENTIFICATION )

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

**I. Introduction**

Claims 57-66 and 68-93 are pending in the application. In the Office Action dated February 17, 2006, claims 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew (U.S. Patent 5,497,414) in view of Tatchell et al. (U.S. Patent 5,905,774, "Tatchell"), and claims 60-66, 68-72, and 75-93 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew in view of Tatchell. Claim 73 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew in view of Tatchell and further in view of

Application no. 09/122,484  
Request dated: August 15, 2006  
Reply to office action dated: February 17, 2006

Bartholomew et al. (U.S. Patent 6,167,119, "Bartholomew '119"), and claim 74 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bartholomew in view of Tatchell et al. and further in view of Jones et al. (U.S. Patent 5,033,076). Reconsideration of claims 57-66 and 68-93 is respectfully requested.

## **II. There is no suggestion to modify and combine Bartholomew and Tatchell**

Each of pending independent claims 57, 60, 68- 71, 77, 84, 91, 92, and 93 recites the act or operation of transmitting a request for audible caller identification information to a calling communication station. The Office Action concedes that Bartholomew does not disclose this feature, but suggests that Bartholomew can be modified to include this feature, as purportedly disclosed in Tatchell. Applicants submit that there is no suggestion to combine the disclosure of Bartholomew and Tatchell, and the proposed combination is the result of nothing more than using the claimed invention as a blueprint to pick-and-choose isolated elements from the prior art. Indeed, Applicants submit that the proposed modification of Bartholomew changes the principle of operation of Bartholomew and is improper under MPEP § 2143.01.

Bartholomew discloses systems for handling calls where caller identification information has been blocked. The systems disclosed in Bartholomew describe different ways to process these calls, such as blocking the call, forwarding the call to voicemail, or completing the call. In each of these systems, the call is processed and routed without obtaining any caller identification information from the caller and without providing any caller identification information to the called party. Accordingly, there is no motivation to modify Bartholomew to include the capability of transmitting a request for audible caller identification information to a calling communication station. Bartholomew's system has no need or use for such information. To the contrary, since all of Bartholomew's systems describe ways for processing calls without obtaining any caller identification information from the caller and without providing any caller identification information to the called party, modifying Bartholomew as suggested by the Office Action would change the principle of operation of Bartholomew. Such a modification is improper under MPEP § 2143.01. Accordingly, all of the pending independent claims as well as all of their dependent claims are submitted to be patentable over the proposed combinations for this reason alone.

## II. Bartholomew and Tatchell together still fail to disclose all claimed features

Even if Bartholomew and Tatchell could be combined as suggested by the Office Action, the proposed combination does not disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query, as recited in all of the pending claims.

Applicants respectfully submit that Tatchell does not disclose this feature. Applicants note that in column 6, lines 41-52, Tatchell includes a brief discussion of how one type of query can be used. In that discussion, Tatchell only discloses that a query can be used by an SSP to obtain routing information from an SCP. Similarly, column 10, lines 17-20 discloses a query that contains only the identity of the subscriber based on the called number and explains that the query is used only to determine how to route a call. Also, while column 20, lines 50-51 generally discloses determining if a call has CLID, determination of whether a call has CLID is made without using a query. Column 20, lines 41-44 state that when an incoming call is directed to a number for which the subscriber has requested call screening, the agent is invoked. Column 20, lines 48-50 state that the agent determines if the call has a CLID. However, column 20, lines 51-52 state that if the call does not have a CLID or if the CLID is blocked, the agent answers the call. This suggests that the call is routed to the agent so that the agent can determine if the call has a CLID and so that the agent can answer the call if the call does not have a CLID. If the call is routed to the agent, a “query” to the agent is not necessary. Indeed, **nowhere in this portion of Tatchell et al. is the use of a query disclosed or even suggested**. Thus, Tatchell et al. does not disclose determining if caller identification is available for a calling communication station by analyzing data contained within a query.

Bartholomew also fails to disclose this feature. Bartholomew explains that “[a]t step S100 a caller initiates a call by going off-hook and dialing digits of the called party destination. At step A102 the dialed digits are received at the originating central switching office (CO), which determines at step S104 whether a caller ID block has been set at the switch for the caller party line.” (Column 6, lines 44-49). Bartholomew goes on to explain that after it has been determined that a privacy status has been activated for the calling line, then a message is

Application no. 09/122,484  
Request dated: August 15, 2006  
Reply to office action dated: February 17, 2006

triggered to obtain a call processing record (CPR) to determine the manner in which the call is to be handled. (Column 6, lines 52-59).

Thus, in Bartholomew, any determination of whether caller identification information for a calling party is available is made by the originating central switching office, and it is made before any query has been generated. Indeed, the query is used to determine how to handle the call; it is not used to determine whether caller identification information for a calling party is available. The comparison of the calling party's number with data stored in a call processing record, which the Office Action cites, is done for the purpose of determining how to handle the call; it is not done for the purpose of determining whether caller identification information for a calling party is available. Thus, Bartholomew also fails to disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query.

Because the proposed combination of Bartholomew and Tatchell fails to disclose the feature of determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing data contained within a query, all of the pending independent claims as well as all of their dependent claims, are patentable over the proposed combination.

#### **Independent Claims 77 and 84 include features missing from Bartholomew and Tatchell**

Independent Claims 77 and 84 both recite systems for processing a call that include a **service control point** coupled with a switch, the service control point being operative to determine whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. As explained above, the proposed combination of Bartholomew and Tatchell is improper because the proposed modifications to Bartholomew would change the principle of operation of the Bartholomew's system. In addition, even if the combination of Bartholomew and Tatchell could be made, it would not yield a service control point having the features recited in claims 77 and 84. Any determination of whether caller identification information for a calling party is available is made by the *originating central switching office* of Bartholomew and is made before any query has been generated. Thus, any such determination is not made by a service control point, and it is not made by analyzing information contained within a query.

Application no. 09/122,484  
Request dated: August 15, 2006  
Reply to office action dated: February 17, 2006

Accordingly, independent Claims 77 and 84, as well as their dependent claims, are patentable over the proposed combinations for these reasons as well.

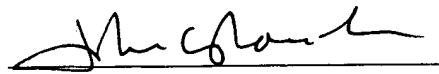
**Independent Claims 68 and 91 - 93 include features absent from Bartholomew and Tatchell**

Independent claims 68, 91, 92, and 93 all recite computer readable program code for causing a computer to analyze data contained within a query to determine whether standard caller identification information for the calling communication station can be provided to the called communication station. The proposed combination of Bartholomew and Tatchell is improper. The proposed modifications to Bartholomew would change the principle of operation of Bartholomew. In addition, even if the combination of Bartholomew and Tatchell could be made, it would not yield the inventions recited in these claims, which all require determining whether standard caller identification information for the calling communication station can be provided to the called communication station by analyzing information contained within the query. As noted, in Bartholomew, the determination is made before any query has been generated. Thus any such determination is not made by analyzing information contained within a query. Accordingly, independent Claims 68, 91, 92, and 93, as well as their dependent claims, are patentable over the proposed combinations for these reasons as well.

**Summary**

Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,



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